

INITIATED MEASURE  
ATTORNEY GENERAL'S STATEMENT

Title: An initiated measure to criminalize the transfer of tobacco and tobacco paraphernalia

Explanation:

The initiated measure prohibits a person or business from transferring tobacco, tobacco pipes, or tobacco rolling paper to another person or business in this state. In the measure, "tobacco" means cigarettes, cigars, cigarettos, or loose tobacco. "Transfer" includes the sale, delivery, trade, or gift. A transfer of tobacco or tobacco paraphernalia in violation of this measure is a crime. The severity of the maximum criminal penalty increases based upon the quantity of the tobacco or tobacco paraphernalia transferred. In addition, a civil penalty up to ten thousand dollars may be imposed.

If approved, this measure will result in a loss of state and local tax and license revenues. Also, this measure will likely be challenged in court on constitutional grounds. If the challenge is successful, the State of South Dakota may be required to pay money damages, attorney fees and costs.

We, the undersigned qualified voters of the State of South Dakota, petition that the following proposed law be submitted to the voters of the State of South Dakota at the general election on November 8, 2016, for their approval or rejection pursuant to the Constitution of the State of South Dakota:

**FOR AN ACT ENTITLED: An Act to ban the transfer of tobacco or tobacco paraphernalia in South Dakota.**

**BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:**

**Section 1. No person or business may transfer tobacco, in the form of cigarettes, cigars, cigarillos, or loose tobacco, or a tobacco pipe or tobacco rolling paper, from one person or business to another person or business in the State of South Dakota. It is a Class 1 misdemeanor to transfer two ounces or less of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 6 felony to transfer more than two ounces but less than one-half pound of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 5 felony to transfer one-half pound but less than one pound of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 4 felony to transfer one to ten pounds of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 3 felony to transfer more than ten pounds of tobacco, tobacco pipes, or tobacco rolling papers. In addition to any criminal penalty imposed upon conviction of a violation of this section, a civil penalty, not to exceed ten thousand dollars, may be imposed.**

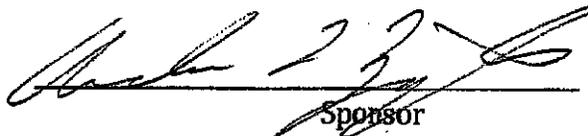
That is the text of a proposed change in statute law in South Dakota. It is submitted by an ad hoc political committee called Consistent South Dakota. We, the sponsors, have filed the statement of organization for Consistent South Dakota with the secretary of state.

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Sponsor

**Andrew Ziegler**  
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Sponsor

INITIATED MEASURE  
ATTORNEY GENERAL'S STATEMENT

Title: An initiated measure to criminalize the transfer of alcoholic beverages

Explanation:

The initiated measure prohibits a person or business from transferring any alcoholic beverage containing more than one percent ethyl alcohol to another person or business in this state. "Transfer" includes the sale, delivery, trade, or gift of the alcoholic beverage. A transfer of an alcoholic beverage in violation of this measure is a crime. The severity of the maximum criminal penalty increases based upon the quantity of the alcoholic beverage transferred. In addition, a civil penalty up to ten thousand dollars may be imposed.

If approved, this measure will result in a loss of state and local tax and license revenues. Also, the measure will likely be challenged in court on constitutional grounds. If the challenge is successful, the State of South Dakota may be required to pay money damages, attorney fees and costs.

We, the undersigned qualified voters of the State of South Dakota, petition that the following proposed law be submitted to the voters of the State of South Dakota at the general election on November 8, 2016, for their approval or rejection pursuant to the Constitution of the State of South Dakota:

**FOR AN ACT ENTITLED: An Act to ban the transfer of alcoholic beverages with more than one per-cent alcohol content in South Dakota.**

**BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:**

**Section 1. No person or business may transfer an alcoholic beverage, as defined in SDCL 35-1-1, containing more than one per-cent ethyl alcohol to another person or business in the State of South Dakota. It is a Class 1 misdemeanor to transfer two ounces or less of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 6 felony to transfer more than two ounces but less than one-half pound of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 5 felony to transfer one-half pound but less than one pound of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 4 felony to transfer one to ten pounds of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 3 felony to transfer more than ten pounds of an alcoholic beverage containing more than one per-cent ethyl alcohol. In addition to any criminal penalty imposed upon conviction of a violation of this section, a civil penalty, not to exceed ten thousand dollars, may be imposed.**

That is the text of a proposed change in statute law in South Dakota. It is submitted by an ad hoc political committee called Consistent South Dakota. We, the sponsors, have filed the statement of organization for Consistent South Dakota with the secretary of state.

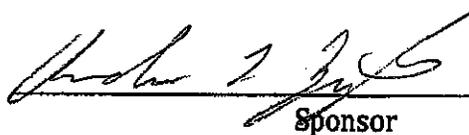
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## NEWS RELEASE

**Marty J. Jackley**  
South Dakota Attorney General

**Charles McGuigan**  
Chief Deputy Attorney General

**FOR IMMEDIATE RELEASE:** Wednesday, May 20, 2015  
**CONTACT:** Sara Rabern (605) 773-3215

### **Attorney General Explanation for Initiated Measure Petitions Relating to Alcohol and Tobacco Released**

PIERRE, S.D.- South Dakota Attorney General Marty Jackley announced today that two Attorney General Explanations for initiated measures have been filed with the Secretary of State. These statements will appear on petitions that will be circulated by the sponsors of the measures. If the sponsors obtain a sufficient number of signatures on the petitions, as certified by the Secretary of State, the measures will be placed on the ballot for the November 2016 general election.

1. An initiated measure to criminalize the transfer of alcoholic beverages
2. An initiated measure to criminalize the transfer of tobacco and tobacco paraphernalia

Under South Dakota law, the Attorney General is responsible for preparing explanations for proposed initiated measures, referred laws, and South Dakota Constitutional Amendments.

It is anticipated that additional Attorney General Statements for initiated measures and initiated constitutional amendments will be filed in the near future. Specifically, the explanation includes a title, a clear and simple summary of the effect of the proposed measure and a description of the legal consequences.

To view the Attorney General Statements for the measures, as well as the final form of the measures submitted to this office, please click on the link below: